

AMENDED IN ASSEMBLY APRIL 5, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 585

Introduced by Assembly Member Floyd

February 19, 1999

An act to amend Section 40303.5 of, and to add Section 12814.7 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 585, as amended, Floyd. Driver's license: renewal: mail.

(1) Existing law provides a procedure for the renewal of a driver's license by mail.

This bill would require the Department of Motor Vehicles to process all applications for renewal of a driver's license by mail and to mail the applicant a ~~temporary driver's license or a renewed driver's license~~ *specified receipt* within 3 business days of the application's receipt by the department.

(2) Under existing law, whenever any person is arrested for not having a driver's license in his or her possession, the arrested person may ~~be permitted to~~ execute a notice containing a promise to correct the violation *or a notice to appear*.

This bill would ~~require~~ *prohibit* an arresting officer ~~to determine whether the license has been renewed prior to~~ *from* executing ~~the~~ a notice specified above if a driver of a motor vehicle presents the arresting officer with a *receipt*

described in (1) and a driver's license that is issued to that driver, but that expired within the past 60 90 days.

~~Because this would increase the level of law enforcement service required of local law enforcement agencies, this bill would impose a state-mandated local program:~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12814.7 is added to the Vehicle
2 Code, to read:

3 12814.7. All applications for renewal of a driver's
4 license by mail shall be *promptly* processed by the
5 department, and the department shall mail the applicant
6 ~~a temporary driver's license or a renewed driver's license,~~
7 ~~within three receipt acknowledging payment of fees and~~
8 ~~receipt of the application within three~~ business days of
9 the application's receipt by the department.

10 SEC. 2. Section 40303.5 of the Vehicle Code is
11 amended to read:

12 40303.5. (a) Whenever any person is arrested for any
13 of the following offenses, the arresting officer shall permit
14 the arrested person to execute a notice containing a
15 promise to correct the violation in accordance with the
16 provisions of Section 40610 unless the arresting officer
17 finds that any of the disqualifying conditions specified in
18 subdivision (b) of Section 40610 exist:

(1) Any registration infraction set forth in Division 3 (commencing with Section 4000).

(2) Any driver's license infraction set forth in Division 6 (commencing with Section 12500), and subdivision (a) of Section 12951, relating to possession of driver's license.

(3) Section 21201, relating to bicycle equipment.

(4) Any infraction involving equipment set forth in Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), Division 14.8 (commencing with Section 34500), Division 16 (commencing with Section 36000), Division 16.5 (commencing with Section 38000), and Division 16.7 (commencing with Section 39000).

(b) If a driver of a motor vehicle presents the arresting officer a *receipt described in Section 12814.7 and a driver's license that is issued to that driver but that expired within the past 60 days, prior to executing a notice containing a promise to correct a violation of paragraph (2) of subdivision (a), the arresting officer shall make a reasonable effort to determine whether the license has been renewed.*

~~SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. 90 days, the officer shall not issue a promise to correct pursuant to paragraph (2) of subdivision (a) or a promise to appear for driver's license violation.~~